



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

Norman H. Bangerter
Governor
Dee C. Hansen
Executive Director
Robert L. Morgan
State Engineer

Southern Area
130 North Main Street
P.O. Box 563
Richfield, Utah 84701-0563
801-896-4429

May 25, 1990

Burt Seely
132 West 1025 North
Mt. Pleasant, Utah 84647

Dear Mr. Seely:

On May 24, 1990, I made a field inspection of a new water diversion you have constructed from a small stream located north of Mt. Pleasant. The diversion is located immediately west of the old railroad right-of-way and the water is carried by a newly constructed ditch in a westerly direction where it comes together with an existing irrigation ditch.

I am writing this letter to notify you that this diversion is illegal and is intercepting water that belongs to downstream water users. Before a new diversion can be constructed on any stream channel a change application must be filed and approved by the State Engineer.

I understand that you may have water rights upstream of this diversion but this does not allow you the right to construct and divert water at this new diversion point. Therefore, I will expect you to immediately remove this diversion and allow the water to flow down the natural stream channel. This work should be completed by June 1, 1990 or legal action may be taken against you.

This letter commences informal proceedings to be conducted pursuant to Rules R625-6 of the Administrative Rules of the Division of Water Rights.

If you have any questions concerning this matter please call this office.

Sincerely,

M. Stanley Adams, P.E.
Area Engineer

MSA/clw

cc: John Mabey, Assistant Attorney General
Lee Sim, Distribution Engineer
Commissioner Perry Jensen